

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

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AMBIANCE GR,

Plaintiff,

v

Civil Action No. 1:23-cv-1335

Hon. Jane M. Beckering

CITY OF GRAND RAPIDS,  
UNNAMED GRAND RAPIDS POLICE  
OFFICERS,

Defendants.

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**STIPULATION AND ORDER**

The parties, by and through their respective counsel, do hereby stipulate and agree:

- 1) That on February 8, 2024, Plaintiff Ambiance GR filed its First Amended Complaint.  
(*Am. Compl.*, ECF No. 15, PageID.58.)
- 2) That, based on prior stipulation of the parties, this Court Ordered that Defendant City of Grand Rapids to file an Answer or otherwise plead in response to the First Amended Complaint on or before February 29, 2024. (ECF No. 21, PageID.265.)
- 3) That in preparing a Motion to Dismiss in lieu of an Answer to the First Amended Complaint, Defendant sought concurrence for the dismissal in accordance with W.D. Mich. L. Civ. R. 7.1(d).

- 4) That in response to that request for concurrence, Plaintiff's attorney sought concurrence from Defense counsel for leave to file a Second Amended Complaint.
- 5) That the Plaintiff and Defendant now agree that Plaintiff shall have until no later than February 29, 2024, to file a Second Amended Complaint. Plaintiff further agrees that it must obtain Summons for any party which may be added by the Amendment, and Plaintiff shall obtain service or seek waiver of service in accordance with the Federal Rules of Civil Procedure of any and all additional party Defendant.
- 6) That the Defendant(s), once properly served, shall have 21 days following the filing of the Second Amended Complaint or Service of Process or Waiver of Service (whichever is later) to file their responsive pleading.
- 7) That no responsive pleading is due on Plaintiff's First Amended Complaint unless Plaintiff fails to file a Second Amended Complaint on or before February 29, 2024, in which case, Plaintiff agrees to proceed with the First Amended Complaint and Defendant(s) shall submit a responsive pleading on or before March 21, 2024 (21 days after February 29, 2024).
- 8) The parties further agree that no other dates shall be affected by this extension.

**IT IS SO STIPULATED AND AGREED:**

Dated: February 22, 2024

By: /s/ Tyrone Bynum  
Tyrone Bynum (P82427)  
Attorney for Plaintiff

Dated: February 22, 2024

By: /s/ Elizabeth J. Fossel  
Elizabeth J. Fossel (P41430)  
Attorney for City of Grand Rapids

**IT IS ORDERED:**

Dated: \_\_\_\_\_

/s/ \_\_\_\_\_  
Hon. Jane M. Beckering  
United States District Judge